

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DONALD RICHARD CHILDS II,

Plaintiff,

vs.

CAESARS PALACE CORP.,

Defendant.

Case No. 2:14-cv-01572-MMD-CWH

ORDER

This matter is before the Court on Plaintiff's Motion for Written Depositions (#39), filed January 12, 2015. Plaintiff is proceeding *pro se* and, therefore, his filings are liberally construed. *E.g. Erickson v. Pardus*, 551 U.S. 88, 94 (2007). Nevertheless, *pro se* litigants "should not be treated more favorably than parties with attorneys of record," *see Jacobsen v. Filler*, 790 F.2d 1362, 1364 (9th Cir. 1986), and "must follow the same rules of procedure that govern other litigants." *See King v. Atiyeh*, 814 F.2d 565, 567 (9th Cir. 1987).

After review, the undersigned finds good cause to *sua sponte* enter a protective order precluding further discovery activities until such time as the parties conduct a Rule 26(f) conference and file a stipulated discovery plan and scheduling order. *See Millenium Holding Group, Inc. v. Sutura, Inc.*, 2007 WL 121567 (D. Nev.) (a court may *sua sponte* issue a protective order for good cause shown) (citing *McCoy v. Southwest Airlines Co., Inc.*, 211 F.R.D. 381, 385 (C.D. Cal. 2002) ("[T]he Court may *sua sponte* grant a protective order for good cause shown.")). Pursuant to Federal Rule of Civil Procedure 26(d), "[a] party may not seek discovery from any source before the parties have conferred as required by Rule 26(f)[.]" *See Fed. R. Civ. P. 26(d)(1)*. This case is not exempted from initial disclosure under Rule 26(a)(1)(B) and discovery has not been authorized by the rules, stipulation, or court order. *Id.* Thus, prior to serving any discovery, Plaintiff must initiate a Rule 26(f) conference and the parties must submit a stipulated discovery

1 plan and scheduling order in compliance with Local Rule 26-1(d). The pendency of the motion to
2 stay (#36) does not relieve the parties of the obligation to participate in good faith in fashioning a
3 discovery plan, the failure to do so being sanctionable conduct under Rule 37(f).

4 Moreover, given that there has not been a Rule 26(f) conference and there is no scheduling
5 order in place, Defendants need not respond to Plaintiff's previously propounded discovery
6 requests. The time period for response to any prematurely propounded discovery requests will be
7 measured from the date of entry of a discovery plan and scheduling order. As a result of this order,
8 that portion of Defendants' motion to stay requesting alternative relief in the form of a protective
9 order is denied as moot. This order does not affect the motion to stay (#36), which will be
10 addressed by separate order.

11 Based on the foregoing and good cause appearing therefore,

12 **IT IS HEREBY ORDERED** that Plaintiff's Motion for Written Depositions (#39) is
13 **denied without prejudice.**

14 **IT IS FURTHER ORDERED** that Defendants' Motion for Protective Order (#38) is
15 **denied as moot.**

16 DATED: January 16, 2015.

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19 **C.W. Hoffman, Jr.**
20 **United States Magistrate Judge**